

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GERARDO SEGURA MARTINEZ,

Petitioner,

v.

**NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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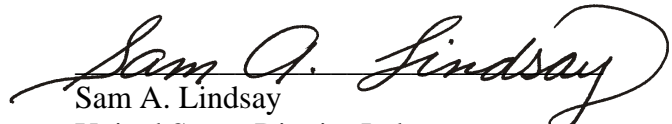
Civil Action No. **3:08-CV-0316-L**

ORDER

Before the court is Martinez's Petition for Writ of Habeas Corpus, filed February 21, 2008. Pursuant to Special Order 3-251, the petition was referred to United States Magistrate Judge Jeff Kaplan, on February 21, 2008. On June 2, 2008, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. No objections to the Report have been filed.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. Magistrate Judge Kaplan found that the petition was barred by the one-year statute of limitations of the Antiterrorism and Effective Death Penalty Act of 1996 and that Petitioner was not entitled to equitable tolling because he failed to demonstrate an extraordinary circumstance. Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. Accordingly, the court **dismisses with prejudice** the writ of habeas corpus, as it is barred by the one-year limitations period.

It is so ordered this 25th day of June, 2008.


Sam A. Lindsay
United States District Judge